### Congress of the United States Washington, DC 20515

March 31, 2004

The Honorable Nils I. Diaz.
Chairman
U.S. Nuclear Regulatory Commission
Washington, DC 20555 0001

Dear Mr. Cliairman!

We write in response to the US. Nuclear Regulatory Commission's (the NRC or the Commission) letter to Senators Jeffords and Leality of March 29, 2004.

We thank the NRC for responding to the Senators Toquest and scheduling a public meeting in Vernon today to answer. Vermonters, questions regarding the Vermont Yankee uprate. However, your March 29, 2004 letter addresses the issue of an independent engineering assessment at Vermont Yankee. The letter is widely perceived in our state as a formal denial of the Vermont Public Service Board's (PSB) March 15, 2004 request for an independent engineering sassessment. As you know, the PSB has asked NRC to conduct such an assessment at Vermont Yankee as a condition of the state-issued Certificate of Public Good.

The PSB has not received a written response directly from the NRC on its independent sengineering assessment request. Indirect communication has created the appearance that the NRC has dismissed the PSB is concerns without full review. As the state agency of jurisdiction, the PSB is entitled to a written response to its correspondence. We request that one be issued expeditiously.

We remind you that the NRC has discretionary authority to conduct audits on technical matters. This authority allows the Commission to perform audits using experts independent of any recent for significant regulatory oversight responsibility in Vermont Yankee. We believe the NRC's letter to us did not forcelose this option, and we strongly urge the NRC to exercise this authority to address the issues raised by the PSB in its March 15; 2004 letter.

We expect the NRC to address the issues raised by the PSB as swiftly as possible during your review of the uprate application.

"We look forward to a prompt scrily.

Sincerely,

112 State Street
Drawer 20
Montpelier, VT 05620-2701
Tel.: (802) 828-2358



TTY/TDD (VT): 1-800-734-8390
Fax: (802) 828-3351
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# State of Vermont Public Service Board

March 31, 2004

Mr. Nils J. Diaz, Chairman
United States Nuclear Regulatory Commission
11555 Rockville Pike
Rockville, MD 20852
ATTN: Document Control Desk
Washington, D.C. 20555

Subject:

Vermont Public Service Board Request for Independent Engineering Assessment of Vermont Yankee Nuclear Power Station License No. DPR -28 (Docket 50-271) Technical Specification Proposed Change No. 263

Extended Power Uprate

#### Dear Chairman Diaz:

We wrote to you on March 15, 2004, requesting that the United States Nuclear Regulatory Commission ("NRC") conduct its review of the proposed extended power uprate at the Vermont Yankee Nuclear Power Station ("Vermont Yankee") in a "way that will provide Vermont with a level of assurance about reliability equivalent to an independent engineering assessment." We asked for this assessment because of our significant concerns with the effect that the uprate may have upon the future reliability of Vermont Yankee.

Today, the owner of Vermont Yankee, Entergy Nuclear Vermont Yankee ("Entergy"), submitted a filing with the Vermont Public Service Board ("Board") that included a letter from the NRC to Vermont Senator James M. Jeffords. That letter, from William D. Travers, Executive Director for Operations, suggested that the NRC was planning to conduct a baseline inspection program for the power uprate rather than expanding the review. It is unclear whether that letter to Senator

Jeffords was intended to be the NRC's response to this Board. We have also received notice that the NRC will hold a meeting tonight in Vernon to discuss the power uprate with members of the public.

At the present time, the Board has pending motions to reconsider our Order approving the proposed power uprate. As a result, we cannot actively debate the issues raised in our Order. However, we want to make very clear that the views expressed in our previous letter are unchanged, although we have not yet considered the pending motions for reconsideration (one of which seeks a more extensive independent assessment). In particular, we reiterate our request that the NRC's review of the proposed power uprate include the following features:

- It would be independent in the same sense as the independent safety assessment of Maine Yankee, i.e., it should be performed by experts "independent of any recent or significant regulatory oversight responsibility" related to Vermont Yankee.
- The assessment would be a vertical slice review of two safety-related systems and two Maintenance Rule, non-safety systems affected by the uprate. The level of effort necessary for this work has been described to us in testimony as requiring about four experts for about four weeks. This will provide a valuable check of the reliability of the systems that are reviewed and allow for correction of any problems.
- The independent engineering assessment should be (as we believe is expected) reviewed by the ACRS in the context of their evaluation of the power uprate.

We want to stress that our request is not based upon a concern about the safety of Vermont Yankee; safety is clearly an issue over which the NRC has jurisdiction and considerable expertise. Instead, our concern stems from the potential impact that the power uprate could have upon reliability, which would affect the value to Vermont of existing purchase agreements for power from Vermont Yankee. A number of nuclear plants that have undergone extended power uprates have experienced increased outages or power derates. The problems that led to these outages may not have been safety-related, but they have affected the output of these nuclear plants. Our request is based upon our obligation to ensure that such outages are unlikely at Vermont Yankee.

Because of factors that are unique to Vermont Yankee, we also do not expect that granting our request will establish poor precedent. As we said in our previous letter, the record evidence we

heard shows that the proposed uprate at Vermont Yankee is larger than those that have occurred at other nuclear plants. Moreover, Vermont Yankee is one of the older nuclear facilities.

Thank you very much for your consideration of this matter.

Sincerely,

Michael H. Dworkin, Chairman Susan W. Hufun Daviel C. Coen by David C. Coen, Board Member Susan M. Hufun

John D. Burke, Board Member

Cc: Mr. Ledyard B. Marsh, Director Division of Licensing Project Management Office of Nuclear Reactor Regulation U.S. Nuclear Regulatory Commission Mail Stop O-8E1A Washington, D.C. 20555-0001

Mr. Richard B. Ennis, Project Manager Licensing Project Directorate I Division of Licensing Project Management Office of Nuclear Reactor Regulation U.S. Nuclear Regulatory Commission Mail Stop O-8B-1 Washington, D.C. 20555-0001

### Bart Bales 100 River Road Gill, Ma 01376

March 31, 2003

Attn: Nuclear Regulatory Commission

Re: Require an Independent Engineering Assessment

For: Vermont Yankee Nuclear Power Station

#### Dear Commissioners:

I am here to speak as a concerned citizen living in a town within the emergency evacuation zone, as well as to be a message bearer for a number a elected and public officials. First, I have a letter from a Massachusetts legislator, Steven Kulik, who represents a district in the adjacent areas to the plant.

Representative Kulik, as I do, calls for an independent engineering assessment of the type called for and detailed by the Vermont state Senate resolution. Such an assessment should be of the level of the assessment given Maine Yankee in the past.

I hold a letter from the Board of Selectmen of the town of Gill, Massachusetts, also calling for an independent safety assessment for the Vermont Yankee plant. I note for the public record that the Gill-Montague Regional School Board has already made public its call for an independent assessment.

I also hold a letter from the Gill Elementary School principal, Robert Mahler, expressing his concerns about the power uprate and about the inadequacy of the emergency planning procedures that are purported to provide protection to residents in the event of a nuclear accident or release.

And I know for a fact that my daughter's former preschool was omitted two years running in evacuation drills that it had requested to be included in.

Yesterday I spent some time reading through the many pages of the Vermont Service Board's decision document and many things were clear.

- 1. First and foremost, the approval of the uprate was allowable if and only if an engineering assessment of the depth of that applied to Maine Yankee were completed.
- 2. That the potential economic benefit of the uprate, even before considering issues of saftey and reliability was limited.

I understand that the NRC does not intend to provide such an independent assessment, thus I will assert that the uprate has not been approved.

I am a citizen. I am also a trained energy engineer with many years of experience in evaluating energy-related systems.

I believe that it is impossible for one to claim a knowledge of the reliability and safety of a system as complex as the Vernon plant under dramatically changed operating conditions, without a comprehensive engineering assessment. In my opinion, you cannot know. I do not believe that the types of evaluations that you do under routine operations are of the depth to provide this information.

This system is 31 years old and of a design that will not meet the standards of a new plant if it were built today. What is being proposed is the adding of the equivalent of 1/5 of a new plant in terms of power production, but not having to meet current standards. I think this project should have to meet current codes, just like any major renovation project.

And finally, I understand that the spent fuel capacity of the plant will be exceeded in the Fall of 2008 under current operations, or by spring of 2007 if the uprate is allowed?

Why in the world take all this risk for 3 or 4 years worth of electricity and minimal public benefit?

I believe that to move forward with this uprate without an independent engineering assessment would be very imprudent and irresponsible and very bad policy.

Sincerely,

Bart Bales



HOUSE OF REPRESENTATIVES

The Commonwealth of Massachusetts

Committees on: Ways and Means Transportation Natural Resources and Agriculture

DISTRICT OFFICE: 330 MONTAGUE CITY ROAD **SUITE 102** TURNERS FALLS, MA 01376 TEL (413) 772-2727 FAX (413) 773-1821

STEPHEN KULIK REPRESENTATIVE 1ST FRANKLIN DISTRICT STATE HOUSE, ROOM 279 BOSTON, MA 02133-1054 TEL (617) 722-2210 FAX (817) 722-2821 E-MAIL:

Rep.StephenKulik@hou.state.ma.us

March 31, 2004

U.S. Nuclear Regulatory Commission Region I 475 Allendale Road King of Prussia, PA 19406

Re: Vermont Yankee Nuclear Plant Performance and Power Uprate Review

#### Dear Commissioners:

I write regarding the proposed uprate of the Entergy Vermont Yankee nuclear power plant that has been requested by its owners. As I understand the matter, Entergy has requested an uprate, which would bring its output capacity to 120 percent of the power output it was originally designed for at the time of the plant opening, 31 years ago.

Last week, the Vermont Public Services Board granted approval of that request, contingent on the successful completion of an independent safety assessment. I urge you to require that just such an assessment be completed before any further action on the uprate request is taken: It is critical to the health and safety of the population that an independent engineering assessment of all the plant systems at the Vermont Yankee plant be completed in order to determine whether or not the systems are reliable and safe under the current standards, before an uprate request is considered.

I represent the First Franklin District in Franklin County, Massachusetts, which borders the Vernon, Vermont town where the plant is located. I strongly believe that this is a matter that greatly affects my constituency because of our close physical proximity to Vernon, regardless of the political boundaries that preclude any official role this office may play in the State of Vermont. Clearly, the health and safety impact on my district would be substantial in the event of any accident, shutdown or other major event at the plant. The threat to our residents' physical well-being, job status and overall security is potentially very great.

I understand and was pleased to learn that my colleagues in the Vermont State Senate voted unanimously on a resolution to ask for an independent inspection with five criteria that are identical to the Independent Safety Assessment (ISA) performed in 1996 at Maine Yankee at the request of then Governor Angus King. I strongly support their resolution that calls for an inspection that:

- 1) Assesses the conformance of the facility to its design and licensing bases, for operating at both 100 percent and 120 percent of its originally intended power production level, including appropriate reviews at the plant's site and its corporate offices;
- 2) Identifies all deviations, exemptions and/or waivers from (a) regulatory requirements applicable to Vermont Yankee and (b) regulatory requirements applicable to a new nuclear reactor (i.e. today's safety regulations) and verifies that adequate safety margins are retained despite the cumulative effect of such deviations, exemptions, and/or waivers for both the present licensed power level and under the proposed extended power uprate;
- 3) Assesses the facility's operational safety performance giving risk perspectives where appropriate;
- 4) Evaluates the effectiveness of licensee self-assessments, corrective actions, and improvement plans; and
- 5) Determines the root cause(s) of safety-significant findings and draws conclusions on overall performance.

In light of the deep concerns about this matter shared by myself and my constituency, I strongly urge you to require that an independent assessment be completed in order to analyze whether Vermont Yankee is in compliance with current regulations, what the risks to an uprate in the system might include and what the full range of safety issue are currently, as well as under the proposed capacity increase.

Thank you for your consideration of this request. Please feel free to contact me if I can provide your office with any information or assistance.

Sincerely,

STEPHEN KULIK
State Representative

First Franklin District

Massachusetts House of Representatives

teph Kulik

# TOWN OF GILL



March 31, 2004

RE: Resolution for Safety Inspection at Vermont Yankee

To Whom It May Concern:

Much of the town of Gill, Massachusetts is in the emergency evacuation zone of the Vernon Nuclear Power Station. Therefore, the Selectboard of the Town of Gill Massachusetts is writing to urge the Nuclear Regulatory Commission to conduct a safety assessment of Vermont Yankee prior to licensing and building the 20% upgrade to the Vermont Yankee plant located in Vernon VT.

The provision of an independent safety assessment of the Vermont Yankee Nuclear Power station prior to allowing a power uprate to the plant is prudent and reasonable and is in our community's and the public's best interest. We insist that this study be done, either by the NRC, the State of Vermont or other suitable independent agency and made public prior to licensing to insure the confidence in the safety and security of the plant to all the citizens within the 10-mile Emergency Preparedness Evacuation Zone.

Gill Board of Selectmen

Ann Banash, Chair Philip Maddern 'Leland Stevens

## GILL SCHOOL

48 BOYLE ROAD GILL, MASSACHUSETTS 01376

> (413) 863-3255 (413) 863-3268 (FAX)

GILL-MONTAGUE REGIONAL SCHOOL DISTRICT

ROBERT A. MAHLER

31 March 2004

To Whom It May Concern:

I am writing this letter as the Principal of The Gill School, located within the ten mile limit of the Vermont Yankee Nuclear Power Plant. I have worked closely with officials of MEMA (Massachusetts Emergency Management Agency) to develop contingency plans in response to an accident at the power plant. These plans, although very well intentioned, underscore the basic disconnect between the people in the power production industry and those affected by any accident. The plans call for a series of actions to be undertaken by the staff of the school in response to any unusual event at the plant. The ultimate response is to evacuate the school. The disconnect occurs when people assume that school staff will respond with the same single-mindedness as a military unit when faced with a crisis. No one has truly taken the time to look at the reality of a disaster.

The remarkable courage demonstrated in New York on September 11th by the firefighters and police is inspiring. They were at the scene to, among other responsibilities, control the panic. People were unsure of what was truly happening and were in relatively good control of themselves. In any type of unusual event at Vermont Yankee people WILL know what is happening. People will be informed via the media outlets and by listening in to local police and fire department radio communications. This will create panic among the general population. We may want to believe that people will respond responsibly, but I think that a nuclear accident is the ultimate nightmare, and the public will respond accordingly. So, going back to the school that is located within ten miles of the power plant.....how will staff respond? How will staff respond when their own families are in danger? How will school administrators deal with staff who are unwilling to abandon their cars at school? How will school staff ride buses to safety (if one considers fifteen miles from a power plant as a safe zone), while their own families are in harm's way? These are not idle questions, but the unsettling thoughts of a school administrator who sits within arm's length of his Radiological Emergency Response Plan and Implementing Procedures manual.

It is time for us to consider those who are living with this unseemly reality and not allow Vermont Yankee to increase it's power output. Let me ask finally, why would reasonable people take actions that could increase the chance of a horrible situation for our schools and children?

Thank you for your time.

W. A. Makle

Robert A. Mahler

**Principal** 

# Statement by Paul Blanch before the NRC on the Vermont Yankee Uprate

### March 31, 2004

Good evening Mr. ......and other members of the NRC. My name is Paul Blanch, and I am a nuclear safety advocate with more than 35-years of nuclear power plant experience. I have been serving as an expert witness for the New England Coalition before the Vermont Public Service Board and the Vermont Senate Finance Committee.

Mr. Gundersen and I actually support Vermont Yankee's current nuclear power output, and if the safety concerns of Vermont's residents and those of the surrounding states are examined and addressed, we may even support a power uprate at Vermont Yankee. We both believe that nuclear plants can be operated safely, but only if proper reviews are conducted to today's more stringent safety requirements and a complete evaluation of the risks associated with VY's regulatory non-compliances is conducted.

We could support the uprate if, and only if, the NRC and Entergy are willing to talk about nuclear safety in an open, collaborative, and candid manner with us and members of the public.

I was extremely troubled when I learned that the NRC, Entergy, and GE continue negotiating nuclear safety behind closed doors as documented by Entergy in its "Confidential and Privileged" documentation of phone conversations between Entergy, the NRC and General Electric. GE even made veiled threats to the Commissioners.

I was outraged when I read that Entergy, an NRC licensee, documented a conversation stating that its supplier General Electric "Klaproth [GE] is letting it be known that if no

delivery by 1/22-he goes for the jugular." This infers threats by General Electric against the NRC Commissioners appointed by the President of the United States. Entergy should have recognized this statement and reported this potential wrongdoing to the Inspector General's office rather than stamping the document "Private and Confidential" and burying it in locked files. One can only wonder what other agreements have been "negotiated" between GE, the NRC and Entergy such as the acceptability of containment overpressure and remain undocumented or sealed under "Attorney Client Privilege."

Is this a regulatory agency we rely upon to assess nuclear safety when the nuclear industry can have free access to the Commissioners, and influence the Commission with threats and intimidation? Is intimidation part of the NRC's regulatory process?

I would like to convey a recent experience, unrelated to nuclear power, however there are parallels. About a year ago, I applied for a building variance for a vacation home. My variance requested an increase in the "footprint" of the proposed modification. This was a very minor variance in that I applied for a 1% increase in the "footprint." The variance was opposed by some of the neighbors and I had to meet with the zoning board and respond to each neighbor's concern. This was an open and transparent process that allowed the public to question me in a public forum. Had this variance been granted, it would have posed no risk to the general public.

I would like to contrast this process to the NRC's process for the Vermont EPU. Like my vacation house, Entergy is requesting a "variance" from clear regulations and I contend that if granted, this variance will place the public at greater risk. There are many "variances" contained within VY's EPU application, which if approved by the NRC will remove any "Defense in Depth," the very cornerstone of nuclear safety. One "single failure" during a Loss of Coolant Accident is likely to result in the total loss of core cooling, major fuel melting along with the failure of

multiple barriers designed to prevent the release of radioactive materials to the surrounding environment.

I have reviewed thousands of VY documents including General Electric's proprietary analysis and the only justification found in all these documents is "This change is consistent with actions taken by other utilities who have sought EPUs<sup>1</sup>."

The logical question yet to\_be answered is how many other significant safety issues are buried within the VY application and how many of the NRC's regulations being ignored? This is the reason we have suggested to the PSB and the Vermont Senate requesting a complete review of VY's compliance with today's regulations for the existing power level and the 120% power level. Neither we nor the NRC, nor Entergy nor the general public have any idea as to VY's compliance or non-compliance with today's regulations.

Because I perceive there may be significant risks should this "variance" be granted, I have requested one month ago in writing an informal public dialog to discuss these risks with the NRC, Entergy and the Vermont Nuclear Engineer. The response from the NRC was that it was "too busy" and Entergy and Bill Sherman have yet to respond to my request for a dialog.

Vermont Yankee is a 31 year old plant. During hearings before the Vermont Public Service Board Entergy's representatives stated that VY has been "grandfathered" and does not meet or need to meet today's regulatory requirements. They provided a specific example whereby VY has been exempted from the 64 General Design Criteria of 10 CFR 50 Appendix A.

If I owned a ten story apartment house in California constructed prior to today's earthquake standards, it would only be reasonable and cost effective to "grandfather" this structure as the probability and consequence of an earthquake are relatively low. Only those residing in the building in close proximity would be impacted. However, if I

<sup>&</sup>lt;sup>1</sup> Letter from Jay Thayer to NRC dated September 10, 2003

proposed to add two more stories (20%) to this structure it would be only reasonable to evaluate this modification to today's standards.

In a similar fashion it is reasonable to evaluate VY in light of today's regulations and assess the risk of any regulatory non-compliance. I am aware that VY has been exempted from some of the GDC's and some of the "single failure" criteria, however it is unknown as to the extent of the regulatory compliance or non-compliance and the risks associated with these non-compliances.

On March 22, 2004 I had a casual conversation with Brian Cosgrove, spokesperson for VY. I asked Brian why VY refused to respond to my emails and letter to Entergy's President, Mike Kansler. Brian's response was that Entergy would not have any discussions about nuclear safety with me or any other members of the general public or the residents in the vicinity of VY. Brian went on to explain that it is not Entergy's responsibility to discuss nuclear safety with the public. Brian then stated that the NRC has a "transparent" process to deal with these types of issues. That process is described in 10 CFR Part 2 "Subpart C--Rules of General Applicability: Hearing Requests, Petitions to Intervene, Availability of Documents, Selection of Specific Hearing Procedures, Presiding Officer Powers, and General Hearing Management for NRC Adjudicatory Hearings"

I told Brian that this is an adversarial process and many hurdles have to be overcome even to obtain "standing" in such a process. Additionally, this type of intervention requires a significant expenditure of funds in addition to having an attorney and expert witnesses. This is not a process members of the general public can participate. Further this process further alienates the participants further eroding public confidence and does little to address safety issues. Also this process does not include Entergy, ostensibly, the entity closest to the nuclear safety issues.

A few years ago, Mr. Gundersen and I were invited by the government of the Czech Republic to review safety issues for two proposed nuclear power plants. This former Soviet state facilitated public dialog with us in open and cordial meetings. These open forums included the utility, the media, the SUJB (NRC equivalent) and the general public. We were even provided with tours of all the nuclear facilities, in order for us to more fully examine, publicly question, and thoroughly address any and all safety concerns.

Contrast this positive with the opposition, contempt and distain we have received in the US from both Entergy and the NRC. We have raised significant safety issues related to Vermont Yankee. The immediate response by VY was to hold a press conference, by invitation only, within the plant fence for the sole purpose of personally discrediting, demeaning, and slandering me. To that end, Entergy attempted to discredit my nuclear expertise, diminish my educational background, and imply that I was unfamiliar with NRC regulations. Not only did Entergy forbid my presence and public defense of its slanderous claims, but it held this supposed press conference at the very time I was attending an NRC technical and safety related conference in Washington, DC, where ironically almost no one from Entergy was in attendance. Compare Entergy's lack of forthright dialogue with the open and public forums in which we participated in the former Soviet State, the Czech Republic.

In spite of Entergy's attempt to bury the truth by slandering me, I am willing to work with the NRC and Entergy to address these fundamental safety issues in order to assure that all regulatory compliance issues are properly addressed and to assure the people of Vermont and its neighboring states are not placed at undue risk.

The day following the press conference the media reported: "Perez, who has worked in the nuclear industry for 22 years, said Blanch was an electrical engineer, not a nuclear

engineer". This again send a message to all employees that unless you are a :nuclear engineer" don't raise and safety concerns. This is extremely unprofessional and sends a clear message to employees that raising safety issues will be dealt with in a similar manner-public humiliation.

During the Regulatory Information Conference on March 12, 2004 Mr. Miller implied in public that the NRC would entertain this type of open discussion and dialog. I assume he a man of his word. If so, do we correctly assume that the NRC will make the appropriate arrangements for an open review and dialogue with all interested parties in order to address our legitimate safety concerns? If I misunderstood his message, please clarify it here and now in this public forum.

A technical dialog is not without precedence. During the Millstone recovery (1996-2000) the licensee, members of the public and the NRC participated in numerous meetings to the benefit of all parties. This even included meetings between the Commissioners and members of the public. In the mid-1990's, the NRC, the public and Maine Yankee participated in an open dialog about safety issues at Maine Yankee. These meetings allowed public input, were not held behind locked gates for a selective audience and went a long way to restore public confidence in both Millstone and the NRC.

I hope the lessons learned from Millstone and Maine Yankee have not been lost. Through honest and open communications, the NRC and Northeast Utilities significantly improved their image and public confidence in nuclear power. In contrast to Entergy, Northeast Utilities' Millstone Power Plant opened its communication with the public, provided responses to all safety questions, and therefore was continued to be viewed as a "good neighbor."

Dr. Travers recent rejection of requests by two US Senators and an apparent rejection of the PSB's request for an independent engineering/safety assessment reinforces this need to involve the public in this critical safety analysis.

Those of us with the technical expertise and the willingness to speak out, will be involved in the safe resolution of these issues will continue to make our voices public — no matter how often you attempt to silence us. The choice is up to Entergy and the NRC — that choice being one of collaboration or a continued adversarial relationship.

# TONFIDENTIAL — ATTORNEY-CLIENT PRIVILEGE/ WORK

### Entergy Nuclear Operations, Inc Vermont Yankee Power Uprate Project Notes of Telecon

Entergy — Craig Nichols, Brian Hobbs, Jim Devincentis, Ronda Daflukas Other Participants — USNRC (Bob Pulsifer, Ralph Caruso, George Thomas 2) and Abdalani)

Date/Fime -- 1/8/03 0900-1000

410	Attace and accordance
	pic: Status of Constant Pressure Power Uprate Licensing Topical Report LTR) and NRC Review Process Issues
	cussion. Goal of call was to understand the NRC's perspective on:
0	☐ CLTR Approval ☐ Series versus parallel review of Entergy EPU and related Submittals for VY NRC — CLTR not approved, Rev 2 submitted by GE November 2002, ongoing discussions between GE and NRC, major issue for NRC is ambiguity in process
	(ambiguity stems from piece-meal versus integrated analyses and insufficient analysis information on which to judge a decision on public safety). [4]RC[3] as "serious concerns."
	NRC -7 Every time we talk the 5 mbiguity gets larger", "divergence rather than convergence on reaching consensus."
0	NRC — The CPPU process as envisioned by GE is a Streamlined EPU that def[9] many analyses (fuel, accidents, transients) to the cycle specific analyses. This assumes that the uprate is very straight forward (ie. No other changes). The justification/assumption for CLTR is adequate experience with GE new fuel
	introduction and power uprates, which NRC new questions. VY has proposed to submit multiple license amendment requests and asked for NRC concurrent review; the NRC does not see this as simple.
	CPPL assumptions are not true, per NRC interpretation. CLTR assumes the staff can reach conclusions on public safety without having adequate analyses on how plant will operate in the future.
	Staff will have to integrate piecemeal submittals, not their job. NRC asked question: "Do you believe you can do ARTS/MELLLA, AST, and
0	EPU simultaneously under the CLTR provisions?" Entergy response: "The EPU submittal will only involve a License Thermal Power change, building on the other prerequisite submittals as required by the CLTR".
0	SRC — This doesn't lit the spirit of what they believed CLTR was. They believed that plants would submit, implement, and operate with all prerequisites completed and then simply be changing the licensed power level
	under the CLTR.  NRC — Not happy with CLTR and still in discussion (Not a back burner issue).
	"Ambiguity is getting larger, we are not converging."  Entergy asked: "What are the hurdles to convergence"
_	NRC Response:    Reduce flexibility to make concurrent changes.
	<ul> <li>□ Eliminate ambiguity.</li> <li>□ Integrate fuel, accidents, transients analyses.</li> <li>□ Provide analyses results versus deferring to cycle-specific reload analyses.</li> <li>NRC asked "Are you prepared to use another process if CLTR is not acceptable?"</li> </ul>
ärı	Entergy Response "Entergy plans to submit under a process that the NRC finds eptable"  NRC — "You need to have a real heart to heart with GE."
	NRC — They are sending a position paper to their management relative to this issue (CLTR). Would not discuss its contents.
	NRC There will be a phone call between NRC Management (Zwolinski and Holorahan?) and GE management next week. Suggested we contact GE for more info.
<b>a</b>	NRC asked: "Why are you using the CLTR process and all of the presubmittals?



# City of Keene

New Hampshire

Michael E. J. Blastos Mayor

March 31<sup>st</sup>, 2004

Michael Dworkin Chairman VT Public Service Board Drawer 20 Montpelier, VT 05620-2710

Dear Chairman Dworkin,

As Mayor of the largest and closest city in New Hampshire to Vermont Yankee, Vernon, Vt, I humbly request that an independent safety assessment be undertaken at Vermont Yankee prior to permitting the 20% increase in energy producing capacity.

I have recently toured Vermont Yankee, and I am very impressed with its security, its personnel, and the condition of the facility. My reason for requesting an Independent Safety Assessment is to assure all that Vermont Yankee is capable of safety increasing its production by 20%. As I understand the process, your board has the authority to make such a request. Again, I urge you to do so.

Thank you for your time in considering this request.

Sincerely,

Michael E. J. Blastos,

Mayor

ick Robinson 22 Billous Fall: Rd., Petrey, 1705316 They Gover 505 So. Wardsboro Rd. Newtone, VT 05345 To Dunde 496 RICE FILEMEN, DUMMERSTON, VT 05301 4 Hah St. AN 3-9 Bulleton VT 0530 Carlo Higher PC.17 Silverface 1 T. 05351 60 S River Rd Charlemont MA 01333 > 114 Main St Brattleber VT 05301 mante 39 zy Sweethood Rd Guilford V+ 05301 na 1345 Gle Poul Rd. Juneica VT 0534= una Clerk 853 Rte. 30 Jamaica, VT 05343 Meenberg Weatherhead Hollow Guilford, V1.05;

(For more info on this subject please call The New England Coalition at 802-257-0336 or visit <a href="www.necnp.org">www.necnp.org</a>)

NAME	ADDRESS		<u> </u>	
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Margaret Winking,				
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Mary A. Wilsia				11
Jowas U. Wilson				~

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(For more info on this subject please call The New England Coalition at 802-257-0336 or visit <a href="www.necnp.org">www.necnp.org</a>)

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I DROVE 2-HRES TO COME HERE TOUTGHT. MYNAME IS DICKERIGHTHOROM SHEEVSBURY VI. J. I AM A BORN VERMONTER, FORMER LONGTONE SELECTION FORMER DER AGR. EMPLOYCE, AND SELF EMPLOYED MILUTURIST. I KM HERE KS A PEPRESENTIVE SPEAKING FOR Families From VI. Committees, Some of Those committees ARE SHREWSBURY, TWIMOUTH, CLAREDON, PLATIOND CHY. WE AS THESE Many tomilies join our Honorable SENOTORS Jim Jefford + PAT LEASTY 25 WELL 25 Many Of OUR EXCEPTED REPRESENTATIVES AND OTHERS IN DEMONDING M WDEDENDENT SAFETY STUDY OF VE, YOMBER, WENDER WHO PAYS THE NRC, ? WE BELEIVE IT IS THE TAXPOYERS. TOMPAYERS WIMIT PROTECTION a TRYPHYCRS WOMET THIS SAFFEY STUDY & SHELL IS THE MRC'S JOB NO M INDEPENDENT SNEATY STEDY is WHAT THE TXYPAYERS OF VI WANTS THE BIG QUESTION 15-WHAT HARMIS THERE IS ANY
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NUCLOUR INDISARY

## Alison Macrae Verde for Garden and Home 133 Mäin Street, Brattleboro, VT 05301 802-258-3908

March 31, 2004

Letter to the NRC

Good Evening,
I appreciate being able to speak to you tonight.

My name is Alison Macrae and I live in Guilford, Vermont with my husband Bill Murray. I own and run a business, a Home and Garden shop, on Main Street in Brattleboro.

I have lived in this area for 27 years. The proximity of Vermont Yankee has always been a concern for me, but I have been able to live with it, in the belief that in 2012 the plant would be shut down and the risks minimized.

The application by Entergy for an uprate for this aging plant, with, I'm sure, plans for applying for licensing extension in the future, has me extremely concerned and upset.

I'm not able to buy insurance for my business or my home that would cover having to leave them behind in the event of an accident at Vermont Yankee. I do not, at my age, want to pull up my roots and move from this very special community that I feel so connected to, but I feel a range of stressful emotions in deciding to stay here since Entergy's application for an uprate.

I'm frightened, and I'm angry about what might happen to my health, my community, my environment and to everything that I have worked so hard for all my life.

With so much distrust of government and authority in our country today, those of us who are lucky enough to live in this small State of Vermont, can usually count on being treated fairly and honestly. But it appears that a decision to grant an uprate to Entergy was made long ago and all of the meetings and hearings to which the public have been invited, are just window dressing. How can that be for the public good?

I beg the NRC to be fair with us, to take our safety concerns as their top priority and to call for an independent engineering assessment of Vermont Yankee before allowing an uprate.

That is the only way I will feel comfortable that a legitimate effort has been made to listen to us, and, if after a successful independent assessment the uprate is granted, I will feel at least every effort was made to allay my fears about safety at the plant. I believe it is a reasonable thing for us who live daily in Vermont Yankee's shadow to ask for.

Yours sincerely,

Aron Macrae

Alison Macrae